

Exhibit C

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February 24, 2020

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 California Service Center
 Laguna Niguel, CA 92677-0590



U.S. Citizenship
 and Immigration
 Services



WAC2011251543

TEXAN DOGS LLC
 c/o REHAN SHAMS ALIMOHAMMAD
 WONG FLEMING PC
 77 SUGAR CREEK CENTER BLVD STE 401
 SUGAR LAND, TX 77478

Form I-129, Petition for a Nonimmigrant Worker

PREMIUM PROCESSING**REQUEST FOR EVIDENCE**

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THE ORIGINAL NOTICE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested below. Include duplicate copies if you are requesting consular notification.

Your response must be received in this office by May 21, 2020.

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. Title 8, Code of Federal Regulations (8 CFR) § 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. 8 CFR § 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.

Processing of your Form I-129 will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS Contact Center at 1-800-375-5283. If you are hearing impaired, please call the USCIS Contact Center TDD at 1-800-767-1833.

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On February 12, 2020, your organization, TEXAN DOGS LLC (petitioner or petitioning organization), filed a Petition for a Nonimmigrant Worker (Form I-129) with U.S. Citizenship and Immigration Services (USCIS), seeking to classify FAIZ MAKANI (beneficiary) as a nonimmigrant intracompany transferee (L-1A).

Documentation submitted with your petition indicates that your organization is a hotdog franchise. Your organization seeks to employ the beneficiary as Chief Executive Officer from February 13, 2020 to February 13, 2021.

The L-1 classification may be granted to an individual who, within three years preceding the time of his or her application for admission into the United States:

- Has been employed abroad continuously for one year by a firm, corporation, or other legal entity or parent, branch, affiliate, or subsidiary;
- Seeks to enter the United States temporarily to render services to a branch of the same employer, or a parent, affiliate, or subsidiary; and
- Will work in a capacity that is managerial or executive, or involves specialized knowledge.

To process your petition and determine if your organization and the beneficiary are eligible, additional information is required. This request provides suggested evidence that your organization may submit to satisfy each of the eligibility criteria described below. Your organization may:

- Submit one, some, or all of these items.
- Submit none of the suggested items and instead submit other evidence to satisfy the request.
- Explain how the evidence in the record already establishes eligibility.
- Request a decision based on the record.

Please note that, as the petitioner, your organization is responsible for providing evidence which shows your organization and the beneficiary meet all requirements and are eligible for the requested benefit at the time your organization filed the Form I-129 by a preponderance of the evidence.

Please do not include copies of documentation previously submitted with your response.

USCIS checks all petitions filed for this classification in its Validation Instrument for Business Enterprises (VIBE) system. VIBE uses commercially available data to validate basic information about organizations petitioning to employ foreign workers. For more information about this program, please visit the USCIS website at www.uscis.gov/VIBE.

General Requirements for an L-1A Manager or Executive in a New Office (First Year)

New office means an organization which has been doing business in the United States through a parent, branch, affiliate, or subsidiary for less than one year.

If the beneficiary is coming to the United States as a manager or executive to open or be employed in a new office in the United States, the petitioner shall submit evidence that:

- Sufficient physical premises to house the new office have been secured;
- The beneficiary has been employed for one continuous year in the three year period preceding the filing of the petition in an executive or managerial capacity and that the proposed employment involved executive or managerial authority over the new operation; and
- The intended United States operation, within one year of the approval of the petition, will support an executive or managerial position, supported by information regarding:

- The proposed nature of the office including a detailed description of the new office's current and proposed activities, its organizational structure, and its financial goals;
- The size of the United States investment and the financial ability of the foreign entity to remunerate the beneficiary and to commence doing business in the United States; and
- The organizational structure of the foreign entity.

Managerial or Executive Position Abroad. Your organization must show that the beneficiary was employed in an executive or managerial capacity for one continuous year in the three year period before the time of his or her application for admission to the United States.

To satisfy this requirement, your organization submitted:

- A letter of support from Texan Dogs, LLC; and
- A list of job duties from ARK Logistics, with degrees of subordinates.

The evidence your organization submitted is insufficient. You claim that the beneficiary was Distribution Head Manager in his position abroad. You submitted a letter of support by listing his duties. However, the information you provided is not sufficient to demonstrate that the beneficiary was an executive abroad. The duties you listed are not sufficiently detailed in describing the beneficiary's day-to-day duties abroad to establish that he devotes his time primarily to qualifying tasks. Finally, you did not submit documentation to support your claims. Without sufficient probative evidence beyond the assertions you made, USCIS is unable to establish that the beneficiary served in a primarily managerial capacity.

Additionally, you submitted a list of subordinates and assert they are professionals. However, the subordinate duties lack sufficient detail to establish that the beneficiary will be directing professionals. Further, you did not provide sufficient evidence to corroborate there is a staff in place to relieve the beneficiary of non-qualifying duties.

Your organization may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to:

- Copies of the beneficiary's training, pay, or other personnel records.
- An organizational chart or diagram, showing the foreign entity's organizational structure and staffing levels. Clearly identify the beneficiary's position in the chart.
- A list of all employees in the beneficiary's immediate division, department, or team, by name, job title, summary of duties, education level, and salary.
- Documentary evidence of the foreign entity establishing the beneficiary's managerial position abroad. The evidence should show the beneficiary's typical managerial duties, and the percentage of time spent on each. In addition, the evidence should address:
 - How the beneficiary managed the organization, department, subdivision, function, or component of the organization he or she oversaw.
 - How the beneficiary supervised and controlled the work of other supervisory, professional, or managerial employees, or managed an essential function, department, or subdivision of the organization. A "professional" is an individual who is a member of the professions, which includes but is not limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries. If the beneficiary was a first-line supervisor, submit evidence showing the supervised employees were professionals.
 - Whether the beneficiary had the authority to hire and fire, or recommend similar personnel actions (such as promotion and leave authorization), if other employees were

directly supervised (or if no employees were directly supervised, how the beneficiary functioned at a senior level within the organizational hierarchy or with respect to the managed function).

- How the beneficiary made decisions on daily operations of the activity or function under his or her authority.
- If the beneficiary managed a function, explain and provide evidence to establish that the specific function is essential to the foreign entity and that the beneficiary was in a senior level position within the foreign entity or with respect to the function managed. Your explanation should identify the function with specificity and describe the critical or essential nature of the function. In addition, provide a detailed description of the beneficiary's duties to demonstrate that the beneficiary primarily managed the function rather than primarily performing the non-qualifying day-to-day duties of the function.
- If the beneficiary supervised other supervisory, managerial, or professional employees, submit copies of performance appraisals or reviews conducted by the beneficiary for any such subordinate employees or any evidence that demonstrates the beneficiary has sufficient managerial authority over subordinate employees and is engaged in the hiring and firing of subordinates or recommends these and other personnel actions.

One Year Requirement: Your organization must show the intended United States operation, within one year of the approval of the petition, will support an executive or managerial position, supported by information regarding:

- The proposed nature of the office describing the scope of the entity, its organizational structure, and its financial goals;
- The size of the United States investment and the financial ability of the foreign entity to remunerate the beneficiary and to commence doing business in the United States; and
- The organizational structure of the foreign entity.

To satisfy this requirement, your organization submitted:

- A letter of support from Texan Dogs, LLC;
- A business plan;
- The beneficiary's job description;
- Proposed organizational chart;
- Job descriptions for subordinates; and
- Bank statements for Texan Dogs, LLC.

The evidence your organization submitted is insufficient. You indicate that you intend to operate a hotdog franchise. You submitted a letter of support, business plan that includes an organizational chart, and a feasibility study discussing plans to establish a new office in the United States. However, you have not provided sufficient evidence to establish that the intended United States operation will support an executive position within one year. Specifically, you indicate that you intend to hire sixteen individuals in your first year of operation. However, you have not established how the staff you intend to hire will alleviate the beneficiary from performing non-qualifying duties on a day-to-day basis. Without additional evidence or description, you have not established that the U.S. entity will have an organizational structure sufficient to elevate the beneficiary to level of executive within one year.

Further, you estimate the total operating expenses will be \$366,000 for the first year but you have only invested \$51,000. You also claim that you will have total sales of \$577,200 in one year but you have not demonstrated how you will reach that amount in sales. It does not appear that you have the financial capability to support the position in one year.

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Your organization may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to:

With respect to the proposed nature of the office (describing the scope of the entity, its organizational structure, and its financial goals):

- An original letter from the foreign entity explaining the need for the new office in the United States. The letter should indicate the proposed number of employees and types of positions they will hold. In addition the letter should explain how the intended U.S. operation will, within one year, support a managerial or executive capacity position.
- A copy of a feasibility study, market research study, or similar, by which the foreign company determined the need for, and the probability that the proposed U.S. company would support, a manager or executive within one year of approval of the petition.
- A copy of the business plan for commencing the start-up of the new office in the United States. The business plan or executive summary should include a timetable for each proposed action for the one year starting with the date of filing Form I-129.
- Minutes of the meetings for the foreign entity to illustrate the discussions to form the U.S. entity.
- A copy of the proposed line and block organizational chart for the new office in the United States, showing all hierarchy and staffing levels. List all proposed positions, summary of proposed duties, and expected educational levels. Include names of employees filling the positions, if known.

With respect to the size of the United States investment and the financial ability of the foreign entity to remunerate the beneficiary and to commence doing business in the United States:

- Proof of capital contribution to the U.S. entity, such as the following:
 - Initial wire transfers;
 - Cancelled checks;
 - Deposit receipts; or
 - Bank statements originating in the United States detailing monetary amounts for the capital contribution.
- A capitalization table.
- A term sheet, letter of intent, memorandum of understanding, or other similar document signed by the parties to the agreement specifically outlining the details of investment in the U.S. entity.
- Documents showing the foreign entity paid for services to start business at the U.S. location. This could include evidence of vendor contracts, utilities, payroll, legal and accounting fees, a lease agreement, etc.
- The foreign entity's most recently filed tax documents.
- The foreign entity's audited balance sheets and statements of income and expenses showing its financial position.
- An original letter from the foreign entity explaining the amount of the U.S. investment; and the financial ability of the foreign company to pay the beneficiary and commence doing business in the United States.
- The foreign entity's most recent annual report, which describes the state of the foreign entity's finances.
- The foreign entity's business bank statements for the last three months.
- The U.S. entity's business bank statements for the last three months if available.
- Current letters from the U.S. entity's bank indicating when its accounts were opened, current status, and average balances.
- The U.S. entity's most recent federal income tax return, if applicable.

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- Subscription or other equity purchase agreements between the foreign entity and its equity holders, providing the type, amount, and price of equity purchased.

With respect to the organizational structure of the foreign entity:

- A copy of the foreign entity's organizational chart or diagram, showing its organizational hierarchy and staffing levels.

General Reminders: If your organization is submitting evidence in response to this request, in order for us to properly evaluate such evidence, we recommend that you submit the following:

- An index of the evidence and include corresponding tabs for each section of evidence.
- Clear and legible copies of the evidence. If clear and legible copies are not possible, submit the original documents. These originals will be returned, if requested.
- Duplicate copy if your organization is requesting consulate notification. Your organization should provide a duplicate copy of: Form I-129 and initial evidence (if not previously provided); and any evidence submitted in response to this request. If the beneficiary is in the United States and your organization is requesting a change of status or extension, your organization may also choose to submit a duplicate copy of the Form I-129 and supporting evidence in case the beneficiary decides to seek a visa at a consular office abroad.
- Full English language translation(s) of evidence submitted to USCIS containing a foreign language. The translator must certify that the translations are accurate and complete and that he or she is competent to translate from the foreign language into English.

RETURN ADDRESS

If your response is more than 25 pages, please return the requested information and all supporting documents with this original request on top to:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
P.O. BOX 10825
LAGUNA NIGUEL, CA. 92607-0825

If you choose to send by express delivery, the address is:

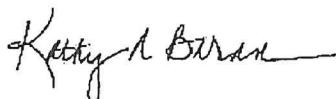
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
24000 AVILA ROAD, 2ND FLOOR, ROOM 2302
LAGUNA NIGUEL, CA. 92677

If your response is 25 pages or less, you have the option to reply by fax:

(949) 389-3460

If you have any questions, you may contact the Premium Processing Team via e-mail at: CSC-PREMIUM.PROCESSING@USCIS.DHS.GOV or call our toll-free number (866) 315-5718.

Sincerely,



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Kathy A. Baran
Director, California Service Center

